

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH BARKER, et al.,

No. C 08-02898 CW

Plaintiffs,

CLERK'S NOTICE
TAKING MOTION UNDER
SUBMISSION

v.

DEFAULT RESOLUTION NETWORK, et al.,

Defendants.

Notice is hereby given that the Court, on its own motion, shall take Defendant Default Resolution Network's motion to dismiss causes of action contained in the complaint for failure to state a claim (Rule 12(b)(6)) under submission on the papers. The hearing previously scheduled for August 28, 2008, is vacated. Plaintiffs' written opposition to the motion will be due August 7, 2008, and any reply by Defendant will be due August 14, 2008. **Failure by Plaintiffs to timely file written opposition to the motion may result in the granting of the motion.**

Dated: 7/8/08


SHEILAH CAHILL
Deputy Clerk

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KENNETH BARKER et al,

5 Plaintiff,

6 v.

7 DEFAULT RESOLUTION NETWORK et al,

8 Defendant.
9 _____/

Case Number: CV08-02898 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on July 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Kenneth Barker
16 Lois Anne Barker
2349 Royal Oaks Drive
Alamo, CA 94507

17 Michael John Veiluva
18 Alborg Veiluva & Epstein LLP
200 Pringle Avenue
Suite 410
19 Walnut Creek, CA 94596

20 Vito Anthony Costanzo
21 Holland & Knight LLP
633 W 5th St, 21st Fl
Los Angeles, CA 90071-2005

22 Dated: July 8, 2008

23 Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk
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